

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

2014-1464

HIGH POINT DESIGN LLC

Plaintiff -Appellee,

MEIJER, INC., SEARS HOLDINGS CORPORATION,
and WAL-MART STORES, INC.,

Third Party Defendants -Appellees,

v.

BUYER'S DIRECT, INC.,

Defendant/Third Party Plaintiff -
Appellant.

Appeal from the United States District Court for the Southern District of
New York in case no. 11-CV-4530, Judge Katherine B. Forrest.

**PLAINTIFF-APPELLEE AND THIRD PARTY DEFENDANTS-
APPELLEES' UNOPPOSED FIRST MOTION TO EXTEND TIME**

Plaintiff-Appellee High Point Design, LLC, and Third Party Defendants-
Appellees Meijer, Inc., Sears Holdings Corporation, and Wal-mart Stores, Inc.
(collectively "Appellees"), hereby move this Court for an order extending the due
date for Appellees' Opposition Brief pursuant to Fed. Cir. R. 26(b). In support,
Appellees state as follows:

Appellees' initial brief is currently due on September 15, 2014. Appellees
seek a seven (7) day extension of the due date for their initial brief to September
22, 2014. This is the first extension sought by Appellees.

Appellees' submit that good cause exists for the requested seven day extension in light of the travel schedules of Appellees' counsel, who are out of the office for several days in August and September. Please refer to the attached Declaration of Jeffrey M. Kaden in support of this motion for extension.

Appellees' counsel contacted Andrew M. Ollis, counsel for Appellant Buyer's Direct, Inc., and were advised that Appellant does not object to this request for an extension.

Thus, Appellees hereby move the court for a seven (7) day extension to September 22, 2014, and respectfully request that the motion be granted. In accordance with Fed. Cir. R. 26(b)(1) and (5) and 27(a)(7), Appellees' Declaration of Jeffrey M. Kaden and Certificate of Interest are attached.

Respectfully submitted,

Dated: August 6, 2014
New York, New York

By: /s/ Jeffrey Kaden
Jeffrey M. Kaden
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**DECLARATION OF JEFFREY M. KADEN IN SUPPORT OF
PLAINTIFF-APPELLEE AND THIRD PARTY DEFENDANTS-
APPELLEES' UNOPPOSED FIRST MOTION TO EXTEND TIME**

I, Jeffrey M. Kaden, a partner/sharholder at the law firm of Gottlieb,
Rackman & Reisman, PC, having offices at 270 Madison Avenue, New York, New
York 10016, am familiar with the proceedings related to the above-captioned
matter, and declare that the following is true and accurate to the best of my

knowledge. I submit this declaration in support of Plaintiff-Appellee and Third Party Defendants-Appellees' Unopposed First Motion to Extend Time.

1. I am the attorney with primary responsibility for representing Plaintiff-Appellee High Point Design, LLC, and Third Party Defendants-Appellees Meijer, Inc., Sears Holdings Corporation, and Wal-mart Stores, Inc. (collectively "Appellees"), in High Point Design LLC v. Buyer's Direct, Inc., No. 14-1464. Currently, Appellees' initial brief is due on September 15, 2014. Appellees seek a seven (7) day extension of the due date for their opening brief to September 22, 2014. This is the first extension sought by Appellees.

2. Appellant does not oppose this extension.

3. The reasons supporting Appellees' request are as follows. I will be out of the office for several days in September for a conference in Toronto, Canada. In addition, David M. Kashman, a partner/shareholder from my firm who is working with me on this matter, is out of the office and traveling for several days in August. Extending the due date to September 22, 2014, will allow sufficient time to complete briefing and will not unduly delay the appeal.

4. I declare under penalty of perjury that all statements made herein are of my own knowledge and are true, and further that all statement here were made with the knowledge that willful false statements and the like are punishable by fine

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

Dated: August 6, 2014

By: /s/ Jeffrey M. Kaden
Jeffrey M. Kaden

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270 Madison Avenue
New York, NY 10016
(212) 684-3900
jkaden@grr.com
Attorney for Appellees

CERTIFICATE OF INTEREST

Counsel for Plaintiff-Appellee High Point Design, LLC, and Third Party Defendants-Appellees, Meijer, Inc., Sears Holdings Corporation, and Wal-mart Stores, Inc., certify the following:

1. The full name of every party or amicus represented by me is:

High Point Design, LLC;
Meijer, Inc.;
Sears Holdings Corporation; and
Wal-mart Stores, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

From the law firm GOTTlieb, RACKMAN & REISMAN, P.C.:

Jeffrey M. Kaden

David N. Kashman

Ariel S. Peikes

Steven Stern (Mr. Stern is no longer with the firm and is no longer involved in the case)

From the law firm ORRICK, HERRINGTON & SUTCLIFFE, LLP:
Robert M. Isackson
Nicholas H. Lam
Rachel Wainer Apter

Dated: August 6, 2014
New York, New York

/s/ Jeffrey M. Kaden
Jeffrey M. Kaden

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August 2014, the foregoing **PLAINTIFF-APPELLEE HIGH POINT DESIGN, LLC, and THIRD PARTY DEFENDANTS-APPELLEES MEIJER, INC., SEARS HOLDINGS CORPORATION, AND WAL-MART STORES, INC.'S UNOPPOSED FIRST MOTION TO EXTEND TIME, the DECLARATION OF JEFFREY M. KADEN, and PLAINTIFF-APPELLEE AND THIRD PARTY DEFENDANTS-APPELLEES' CERTIFICATE OF INTEREST** were served on counsel for Defendant/Third Party Plaintiff-Appellant by mailing two (2) true and correct copies by first class mail to the following:

Andrew M. Ollis

aollis@oblon.com

Lisa M. Mandrusiak

lmandrusiak@oblon.com

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
1940 Duke Street
Alexandria, VA 22314
(703) 413-3000

By: /s/Ariel Peikes